

**ASSEMBLY CONCURRENT
RESOLUTION No. 26**

**STATE OF NEW JERSEY
220th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

Assemblyman BRIAN BERGEN

District 25 (Morris and Somerset)

Co-Sponsored by:

Assemblymen McGuckin, DiMaio, Clifton, Rooney, Thomson,

Assemblywomen Piperno, Matsikoudis and Eulner

SYNOPSIS

Proposes constitutional amendment to require Statewide calculation of affordable housing obligation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/17/2022)

1 **A CONCURRENT RESOLUTION** proposing to amend Article IV,
2 Section VI, paragraph 2 of the New Jersey Constitution.

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4 **BE IT RESOLVED** *by the General Assembly of the State of New*
5 *Jersey (the Senate concurring):*

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7 1. The following proposed amendment to the Constitution of the
8 State of New Jersey is agreed to:

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10 **PROPOSED AMENDMENT**

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12 Amend Article IV, Section VI, paragraph 2 to read as follows:

13 2. a. The Legislature may enact general laws under which
14 municipalities, other than counties, may adopt zoning ordinances
15 limiting and restricting to specified districts and regulating therein,
16 buildings and structures, according to their construction, and the
17 nature and extent of their use, and the nature and extent of the uses
18 of land, and the exercise of such authority shall be deemed to be
19 within the police power of the State. Such laws shall be subject to
20 repeal or alteration by the Legislature.

21 b. The Legislature shall enact general laws that provide for the
22 determination of the affordable housing needs of the entire State.
23 This Statewide affordable housing need determination shall not be
24 based on regional housing needs. The Statewide affordable housing
25 need determination shall constitute the exclusive affordable housing
26 obligation required by this Constitution.

27 (cf: Art. IV, Sec. VI, par. 2)

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29 2. When this proposed amendment to the Constitution is finally
30 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
31 shall be submitted to the people at the next general election
32 occurring more than three months after the final agreement and
33 shall be published at least once in at least one newspaper of each
34 county designated by the President of the Senate, the Speaker of the
35 General Assembly and the Secretary of State, not less than three
36 months prior to the general election.

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38 3. This proposed amendment to the Constitution shall be
39 submitted to the people at that election in the following manner and
40 form:

41 There shall be printed on each official ballot to be used at the
42 general election, the following:

43 a. In every municipality in which voting machines are not used,
44 a legend which shall immediately precede the question as follows:

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

 Matter underlined thus is new matter.

1 If you favor the proposition printed below make a cross (X), plus
2 (+), or check (✓) in the square opposite the word "Yes." If you are
3 opposed thereto make a cross (X), plus (+) or check (✓) in the
4 square opposite the word "No."
5 b. In every municipality the following question:
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| | | |
|--|-----|---|
| | YES | <p>CONSTITUTIONAL AMENDMENT TO ESTABLISH STATEWIDE AFFORDABLE HOUSING OBLIGATION</p> <p>Do you approve amending the Constitution to change the way that the affordable housing obligations of towns are determined? This amendment would require that these obligations be based on the housing needs of the whole State. Currently, these obligations are based on regional housing needs.</p> <p>This amendment would require the calculation of a single number of all affordable housing units needed for the whole State. This Statewide need would represent all the affordable housing required by the Constitution.</p> |
| | NO | <p>INTERPRETIVE STATEMENT</p> <p>This amendment would change the way that the affordable housing obligations of towns are determined. Currently, these obligations are based on regional housing needs. This amendment would remove that requirement. The amendment instead requires that these obligations be based on the housing needs of the whole State.</p> <p>The amendment requires the Legislature to pass laws to create the process for calculating the affordable housing needs of the whole State. This Statewide need would represent all the affordable housing required by the Constitution.</p> |

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STATEMENT

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This amendment to the State Constitution would require that the constitutional affordable housing obligation be calculated at the State level. Currently, municipal affordable housing obligations

1 mandated by the State Constitution are calculated based upon
2 regional housing needs. This amendment would eliminate that
3 requirement. Accordingly, any affordable housing obligation
4 placed on a municipality would no longer be based on regional
5 housing needs. Instead, this amendment would require the
6 Legislature to pass laws providing for the calculation of the
7 affordable housing needs of the entire State. This single number
8 calculation of affordable housing units needed Statewide would
9 represent the exclusive affordable housing obligation required by
10 the State Constitution.